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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20	DIANA THEODORE,)	Case No. 3:23-cv-3710-AMO
)	
21	Plaintiff,)	[Assigned to Hon. Araceli Martinez-Olguin]
)	
22	v.)	
)	STIPULATION AND [PROPOSED]
23	AMERICAN EXPRESS NATIONAL)	ORDER STAYING DISCOVERY
	BANK,)	
)	
24	Defendant.)	
)	
25)	
)	

STIPULATION

Plaintiff Diana Theodore (“Plaintiff”) and defendant American Express National Bank (“Defendant”) (together, the “Parties”) hereby stipulate as follows:

WHEREAS, on July 26, 2023, Plaintiff filed the Class Action Complaint against Defendant in the above-captioned matter;

WHEREAS, on July 28, 2023, the Court entered its Order Setting Initial Case Management Conference and ADR Deadlines (ECF No. 7);

WHEREAS, on September 22, 2023, Defendant filed a motion to compel arbitration and to stay the action (the “Motion to Compel Arbitration”), which is set for hearing on February 29, 2024;

WHEREAS, on October 26, 2023, the Parties filed their Joint Case Management Statement (ECF No. 34), proposing that discovery in the action be stayed and the parties be relieved from exchanging initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure pending the Court’s ruling on Defendants’ Motion to Compel Arbitration;

WHEREAS, on October 26, 2023, the Court entered an Order (ECF No. 35) vacating the case management conference set for November 2, 2023, and directing the Parties to file a stipulation staying discovery and seeking relief from the initial case deadlines as set forth in their Joint Case Management Statement;

IT IS HEREBY STIPULATED, by and between the Parties, through their respective counsel of record, as follows:

1. Discovery in this action shall be stayed pending a ruling by the Court on Defendant’s Motion to Compel Arbitration.

2. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure need not be exchanged prior to the Court’s ruling on Defendant’s Motion to Compel Arbitration.

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1 Dated: October 30, 2023

Respectfully submitted,

2 STEPTOE & JOHNSON LLP

3 By /s/ David W. Moon
4 David W. Moon

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Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this stipulation.

Dated: October 30, 2023

By /s/ David W. Moon
David W. Moon

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

ARACELI MARTINEZ-OLGUIN
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ David Moon

David W. Moon